

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 FIDEL MARS GONZALEZ,

14 Defendant.

CASE NO. CR21-0164-JCC

ORDER

15 This matter comes before the Court on Defendant's unopposed motion to continue the
16 trial date (Dkt. No. 17). Defendant was charged by criminal complaint in May 2021 and arrested
17 in October. (Dkt. Nos. 1, 5.) The grand jury later indicted him for firearm and controlled
18 substance offenses. (Dkt. No. 12.) Trial is currently set for December 13, 2021. (Dkt. No. 16.)

19 Defendant seeks a three-month continuance to permit his counsel the time needed to
20 investigate the case, review discovery, conduct legal research, and draft pretrial motions. (Dkt.
21 No. 17 at 2.) Defendant represents that the Government does not oppose this request. (*Id.*) He has
22 executed a speedy trial waiver. (Dkt. No. 18.)

23 Having thoroughly considered Defendant's motion and the relevant record, the Court
24 FINDS that the ends of justice served by granting a continuance outweigh the best interest of
25 Defendant and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this
26 finding are:

1 1. Taking into account the exercise of due diligence, a failure to grant a continuance
2 in this case would deny defense counsel the reasonable time necessary for effective preparation
3 due to counsel's need for more time to review the evidence, consider possible defenses, and
4 gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

5 2. A failure to grant such a continuance in this proceeding would likely result in a
6 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

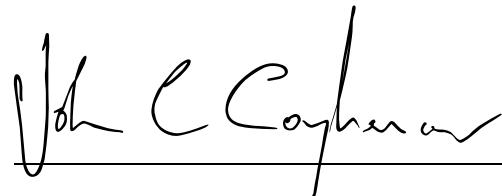
7 3. The additional time requested between the current trial date of December 13,
8 2021, and the new trial date is necessary to provide defense counsel the reasonable time
9 necessary to prepare for trial, to investigate the matter, to gather evidence material to the defense,
10 and to consider possible defenses, considering counsel's schedule and all of the facts set forth
11 above.

12 The Court therefore ORDERS that:

13 1. Defendant's unopposed motion (Dkt. No. 17) is GRANTED.
14 2. The December 13, 2021 jury trial is CONTINUED to March 21, 2022.
15 3. The pretrial motions deadline is CONTINUED to February 7, 2022.
16 4. The time from the date of this order until the new trial date is an excludable
17 period under 18 U.S.C. § 3161(h)(7)(A).

18 DATED this 23rd day of November 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE